

### **REMARKS**

This responds to the Office Action mailed on September 30, 2009.

Applicants respectfully points out that claims 1-38 were previously canceled, not withdrawn.

No claims are amended, no claims are canceled, and no claims are added; as a result, claims 39-57 remain pending in this application.

#### *The Rejection of Claims Under § 103*

Claims 39-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKaughan et al (U.S. Patent 5,802,305) in view of Hirata et al. (U.S. Patent 5,727,149). Applicant respectfully traverses the combination for at least the following reasons.

The rejection states that McKaughan “does not specifically teach that the filtering protocols comprise comparing a port identifier of the received packet to a port number assigned to an application executing on the host computer using a port filter of the network adapter.” Hirata is cited in an attempt to cure this deficiency of McKaughan. The rejection states that Hirata discloses “when the received packet is addressed to the host computer and the port identifier does not match the port number, discarding the received packet using the port filter.”

Hirata appears to show using a socket port number to filter, however the purpose of Hirata appears to be keeping a computer running at full speed in a processing operation, not to save power. Column 11, lines 58-61 recites that “unnecessary data is discarded on the network interface side in each computer, thereby making it possible to prevent a wasteful receiving interruption.”

In contrast to Hirata, claim 39 recites when the received packet is addressed to the host computer and the port identifier does not match the port number, discarding the received packet using the port filter *without waking up* the host computer. Further in contrast, claim 45 recites when the port identifier of the packet matches a port number of one or more port numbers associated with a process running on the host system, sending a *wake-up message* from the port

filter to the host computer. Further in contrast, claim 52 recites the port filter to discard directed packets when there is no match, the port filter to send a wake-up signal to the host computer only when the port identifier matches the port number and the packet is addressed to the host computer.

Applicant respectfully submits that combining McKaughan with Hirata as suggested would destroy the purpose of computing without interruptions from Hirata. Because the cited references cannot be combined as suggested, a 35 USC §103(a) rejection is not supported. Reconsideration and withdrawal of the rejection are respectfully requested with respect to Applicant's independent claims 39, 45, and 52. Additionally, reconsideration and withdrawal of the rejection are respectfully requested with respect to the remaining claims that depend therefrom at least as depending on allowable base claims.

### CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6944 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402--0938  
(612) 373-6944

By 

David Peterson  
Reg. No. 47,857